

TESTIMONY OF

COMMISSIONER DORIS MEISSNER

IMMIGRATION AND NATURALIZATION SERVICE (INS)

BEFORE THE

COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON COMMERCE, JUSTICE,

STATE, AND THE JUDICIARY

UNITED STATES SENATE

CONCERNING

THE PRESIDENT'S FY 1999 BUDGET REQUEST

March 3, 1998

Thank you Mr. Chairman, and Members of the Subcommittee, for the opportunity to appear before you today to discuss the President's Fiscal Year 1999 budget request for the Immigration and Naturalization Service (INS). Mr. Chairman, I appreciate your efforts and those of the other Members of the Subcommittee to provide continued support and increased resources to INS to strengthen and enforce our Nation's immigration laws.

Mr. Chairman, I have now been with INS for more than four years. It has been five years of constant change and unprecedented growth at INS. To paraphrase a recent article in Newsday (2/3/98), at times my experience here has been similar to managing in a storm. Since 1993, we at INS have been operating in a changing policy and statutory environment, which includes significantly increased duties under new legislation, substantial staff and budget enhancements, and increased public demand for services. The new global economy is matched by global movements of people that are resulting in greater demands on the agency. Last year, 320 million people visited our country legally, compared to only 197 million ten years ago. We made 500 million inspections at our ports-of-entry last year, and turned back over half a million people at the ports-of-entry. In addition, INS formally or informally removed another 1.5 million who were not eligible to enter this country.

The agency's mission is a complex one, with many challenges and new demands facing us. Yet, we have made and will continue to make significant improvements to our enforcement of immigration law as well as to our ability to deliver services to eligible immigrants.

Mr. Chairman, the FY 1999 budget I present to you today continues to build on our

efforts to strengthen our borders, increase our enforcement efforts in the American workplace, remove record numbers of criminal and other deportable illegal aliens from America's streets and prisons, focus on customer service by processing applications for citizenship and legal entry into our country expeditiously, fairly, and with integrity, and enhance the professionalism of our workforce.

Before I begin discussing the FY 1999 budget request, I would like to take a moment to tell you about the notable achievements we have made.

Border Enforcement

First, I would like to thank the Members of the Subcommittee for working with the Attorney General and me to develop a deployment plan for the personnel enhancements needed to support the Administration's Immigration Strategy, and particularly for allowing us to continue to deploy new agents to Texas and New Mexico in support of our recent operations.

In 1994, the Attorney General and I announced a comprehensive border enforcement strategy, which balances enforcement efforts with improved facilitation of legal traffic. We continue to focus resources on critical operational areas of the southern border, in support of this strategy. We exceeded our FY 1997 goal of 6,859 Border Patrol agents on-board by the end of the fiscal year, adding more than 1,000 new agents over the course of the year. As of February 14, we had 7,165 Border Patrol agents on-board. Since FY 1993, we have almost doubled the number of Border Patrol agents. By the end of FY 1998, we will have a total of 7,859 agents on-board (not including pilots). Border Patrol agent growth along the Southwest

border will have increased by 71 percent over the same time period.

New Border Patrol agent classes are scheduled throughout the year and we have developed a comprehensive growth management plan to meet the FY 1998 goal. As part of the plan, we have also strengthened recruitment efforts through more focused outreach activities. We have also taken measures to help ensure that we are producing the best qualified agents to supervise the new officers. A newly designed competency-based promotional assessment system is now in place for all Border Patrol agents seeking promotions to supervisory and managerial positions at the GS-11 through GS-15 grade levels.

In addition to providing the needed personnel enhancements for an effective border enforcement strategy, this Administration has outfitted agents with the equipment and technology necessary to perform their jobs more efficiently and safely. Focusing additional resources on new Border Patrol personnel and equipment has yielded significant results. Apprehensions have dropped dramatically in targeted areas. Operations such as "Hold the Line" and "Gatekeeper" have significantly diminished illegal immigration and alien smuggling in El Paso and San Diego. For example, in San Diego, historically the most heavily crossed area of the border, apprehensions are at a 17-year low. Another sign of our success is the shift of undocumented alien movement and organized migrant trafficking over the U.S. Border from traditional crossing points to areas that are more difficult for illegal migrant crossings.

While our border management efforts from 1993 to 1995 focused on El Paso, San Diego and Arizona, beginning in 1997 we expanded our focus to South Texas and New Mexico.

"Operation Rio Grande," launched in August 1997 in Brownsville, Texas, is a special multi-year operation designed to gain and maintain control of targeted border areas through a combination of new technology and additional manpower. An important feature of "Operation Rio Grande" is the integration of a broad range of INS enforcement operations. Border Patrol agents, Inspectors at ports-of-entry, Investigators, Intelligence analysts, and Detention and Deportation Officers are all contributing to the operation. As part of the operation, in August 1997, 69 Border Patrol agents were detailed to Brownsville to step-up enforcement efforts. In September, we began deploying special response teams to ports-of-entry where we expect increased numbers of fraudulent entry documents. We anticipate significantly lowered apprehension and local crime rates as a result of the operation.

One of the main goals of our border enforcement strategy is to improve the safety of American communities along the Southwest border. In the areas where we have launched major enforcement operations, we have heard from citizens about the improvements in their communities. We have seen a drop in crime rates in some of the areas. According to Assistant Chief David Bejarano of the San Diego Police Department, "Operation Gatekeeper continues to be a major factor in reducing border area crime. There has been such a significant decrease in border crime that we have deployed some of our border area officers to other areas of concern. Before Gatekeeper, we had to maintain a continuous presence in the border area to deal with the excessive levels of crime and violence. It is without question the quietest and safest the border has ever been in this area." San Diego District Attorney Paul Pfingst echoed this sentiment in a September 1997 article in the San Diego Union-Tribune: "The closer you get to the border, the more property crimes have dropped. That tells us that border enforcement is reducing crime."

Our progress along the border is also evident at the San Ysidro Port-of-Entry, which is one of the world's largest and busiest ports. Several years ago, commuters were forced to wait over two hours to cross the border into San Diego. Today, the average wait has been reduced to no more than 20 minutes. The Inspections staffs are working on incorporating the best practices from San Ysidro into other ports-of-entry. In FY 1998, 281 additional Immigration Inspectors will be deployed to air ports-of-entry. The increased number of Inspectors will facilitate the travel of passengers and provide major improvements in meeting the processing time requirements at our international airports.

These accomplishments could not have been made without the continued support of the Subcommittee.

Removal of Illegal Aliens

The removal of criminal and other deportable aliens is one of the key components of INS' comprehensive strategy to prevent and deter illegal immigration. During FY 1997, INS removed more than 113,000 criminal and other illegal aliens, an increase of more than 44,000 over last year's record and 20,000 over its target of 93,000 removals. Our target for FY 1998 is a record 127,300 removals. We are well on our way to reaching this goal -- according to our most current data, removals for first quarter of FY 1998 totaled over 34,000; over 12,000 were criminal removals.

Criminal alien removals totaled about 51,000 for FY 1997, 36 percent above the previous year. Of the criminal aliens removed, 61 percent had convictions for crimes considered aggravated felonies under immigration law. Drug convictions accounted for 52

percent of the criminal alien removals.

Removals of other deportable aliens reached almost 63,000 for last fiscal year, up 95 percent from FY 1996. The expedited removal process, established by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), contributed to this increase, producing about 23,000 mostly non-criminal removals in its first six months of implementation.

In addition to the number of aliens formally removed, INS also removed almost 80,000 aliens without formal proceedings in FY 1997. This category includes several methods of removal, but most are aliens who elect to waive any hearing before an immigration judge and voluntarily return to their home countries. When combined with the formal removals, INS identified, apprehended and removed almost 193,000 aliens in FY 1997. This figure does not include an estimated 1.3 million aliens apprehended and returned at the border.

The INS removed a total of 14,851 criminal aliens through the Institutional Hearing Program (IHP), which involves identifying and processing reportable inmates prior to their release from Federal, State and Local institutions. Removals through the IHP program in FY 1997 were 44 percent above FY 1996 levels. During FY 1997, four new sites were added to the Federal IHP, bringing the total number of sites to ten.

The INS' ability to detain aliens is directly linked to our ability to remove them from the United States. In FY 1997, INS was allocated funding for an additional 2,700 beds, bringing total detention capacity to 12,050. As of September 30, the number of aliens

occupying available beds was 13,491. Criminal aliens occupied about 59 percent of available detention beds through FY 1997.

Automation and Technology Improvements

Many of our initiatives would not be successful without concurrent technology improvements. One example is IDENT, our fingerprint identification system. In FY 1997, we met 105 percent of our IDENT deployment goal. IDENT allows agents to identify criminal aliens and repeat crossers who were apprehended previously. We performed ten IDENT upgrades and deployed the system at 114 new sites, primarily in the southern border states of California, Arizona, New Mexico, Texas and Florida. IDENT has been installed at all major sites along the Southwest border and provides agents with a significant tool in securing our Nation's borders. IDENT deployment will continue in FY 1998 at smaller sites as well as new sites along the Southwest border.

The INS also expanded the Datashare initiative with the Department of State (DOS). The increase in the exchange of data between DOS and INS has streamlined the Inspections and Immigration Adjudication process. A pilot program for Immigrant Visa automation and sharing of information is now in place at 15 consular posts and 16 ports-of-entry. About 53 percent of all Immigrant Visas issued have data transmitted through the Datashare initiative. We are currently working on the Non-Immigrant Visa phase of the Datashare program and plan to have a pilot running before the end of FY 1998.

Progress was also made in FY 1997 on the implementation of a new Border Crossing Card (BCC), mandated by Section 104 of IIRIRA. To implement this provision, as of April 1, 1998, adjudication responsibility for the BCC will shift to the Department of State (DOS),

and INS will be responsible for production of the card. There are three BCC production machines that will be operational in May 1998. Two additional machines will be operational in September 1998. These five machines will enable INS to produce the total estimated number of BCC cards, as well as other INS cards.

As part of the mandate in Section 110 of IIRIRA to develop ways to automatically gather entry and exit information at all ports-of-entry in the United States, during FY 1997, INS began testing an automated arrival and departure Form I-94 in the airport environment. Upon arrival in the United States, a traveler presents the new machine-readable form to an Immigration Inspector who records the arrival information. The Inspector then provides the traveler with a machine-readable departure card that the traveler returns when he leaves the United States. The automated I-94 is being piloted in cooperation with US Airways.

The INS members of the Secure Electronic Network for Travelers Rapid Inspection (SENTRI) Team successfully deployed a Dedicated Commuter Lane as promised by the Attorney General in June 1995. This DCL, also known as a Pre-enrolled Access Lane (PAL) allows frequent, low-risk commuters who enroll in the program, to bypass the regular checkpoint procedures. This DCL lays the groundwork for a high-speed lane scheduled to be completed at the San Clemente checkpoint in 1998. The new effort will be based on the successful program already in place at Otay Mesa, California. In addition, the SENTRI Team has continued its efforts to deploy the secure, automated DCL to 5 additional sites along the southwest border, submitting a site survey report to Congress as part of the 1997 first quarter report on DCLs. Efforts to bring this technology to the northern border were also initiated in 1997.

INS also developed an INTERNET Web site for the public, and implemented it on August 12, 1996. To date, the INS site is serving over 176,000 users per month and is currently averaging about 5,700 visits a day. INS is serving customers from 86 different countries and over 200 cities representing all 50 States.

On January 7, 1997, INS implemented a special Web page for Naturalization information. The page allows the user to look at naturalization eligibility requirements, get forms, and even take an online self-test of U.S. history and government. The new site has been successful even in the short time it has been operational. To date, 33,618 users have accessed the site and 4,295 have taken the self-test.

In FY 1997, we also continued work on improving standard office automation infrastructure and educating INS users about new automation. The INS trained 13,300 people in the agency on basic automation so that they can effectively use the new equipment. For the sixth year in a row, INS has received the Federal Technology Leadership Award for our work on automation.

Interior Enforcement

Interior enforcement is a necessary companion to border control as part of the Administration's immigration strategy. With the progress of our border enforcement strategy in regaining control along the border and deterring illegal immigration, we have seen increases in alien smuggling. As the border is becoming more difficult to cross illegally, there is an increase in the demand for fraudulent documents. Aliens are now showing up in the work forces of industries that previously were not part of the illegal labor stream, and we are

broadening our efforts to deal with these changes.

Our accomplishments demonstrate our commitment to interior enforcement, even though the resources provided to us in this area have not increased since FY 1996. In FY 1997, INS reached the largest worksite settlement ever against a Texas restaurant chain, which agreed to pay a \$1.75 million fine for knowingly hiring and employing illegal aliens. We exceeded our goals in completions of worksite enforcement criminal cases by 29 percent and completions of administrative cases by 25 percent. We completed over 5,000 lead-driven administrative cases in FY 1997, exceeding FY 1996 case completions by 46 percent. Criminal cases presented to the U.S. Attorneys Offices increased by 80 percent from FY 1996, to a total of 146 in FY 1997.

Fines levied against employers for substantive violations -- hiring violations as opposed to paperwork violations -- increased to 60 percent of total fines in FY 1997, an increase of 39 percent over FY 1996. Worksite enforcement cases completed against industries with a known history of noncompliance with the provisions of employer sanctions represented 56 percent of all cases. We also exceeded our goal for worksite apprehensions by 8 percent, apprehending 19,040 unauthorized workers in FY 1997. In addition, in FY 1997, the INS entered into agreements with three states to share information from worksite enforcement operations to promote state-run replacement worker programs that foster the hiring of legal workers.

In FY 1997, INS also began three new pilot programs, two of which are joint efforts with the Social Security Administration, to test systems designed to quickly and accurately verify whether new employees are eligible to work in the United States. The INS began seeking employers to participate in the programs in September 1997.

Significant progress has also been made in worksite enforcement thus far in FY 1998.

During the first quarter of FY 1998, we completed 1,011 lead-driven administrative cases. Ten criminal cases have been presented to the U.S. Attorneys and 132 fines were levied against employers.

Anti-Smuggling, Anti-Terrorism and Overseas Deterrence

In FY 1997, INS successfully completed the investigation of 32,251 criminal alien cases, a 44 percent increase over FY 1996. Successfully completed cases are defined as those in which a subject was prosecuted, or removed, or a benefit was denied based on the outcome of the investigation. Criminal alien cases include large-scale organizations involved in ongoing criminal activity or individual aliens involved in drug smuggling or terrorism.

We achieved impressive results in connection with major smuggling cases. Examples of our success include a multi-regional/international investigation that resulted in the dismantling of an alien smuggling and exploitation ring in New York City involving deaf Mexicans. In addition, INS, for the first time, linked an anti-smuggling investigation in Arizona to a worksite enforcement investigation in Georgia, which resulted in the indictment of five people involved in a smuggling operation that provided undocumented workers to employers. The INS also participated in the first joint INS/FBI task force investigating alien smuggling.

In an effort to deter global migrant trafficking, INS opened thirteen new overseas offices and assigned 45 additional officers as part of the initiative "Operation Global Reach," which began in FY 1997. For the first time, INS has established a permanent presence of criminal investigators and intelligence analysts overseas to work on deterring migrant

trafficking in source and transit countries. Our overseas offices, working closely with host governments, were instrumental in crafting legislation criminalizing migrant trafficking in several Latin American and Caribbean countries.

Cooperation with State and Local Law Enforcement and Communities

The INS focused in FY 1997 on improving community relations. A community relations officer (CRO) position was created to help identify and resolve immigration-related community issues and concerns and to educate the public on new immigration laws and regulations. By the end of FY 1997, seven officers were on-board in key INS district and sector offices and another three CRO positions will be filled in FY 1998. The CROs dealt with a variety of issues, from responding to the public's need for information on IIRIRA implementation and the effects of welfare reform to responding to citizen reports of alien trafficking patterns and requests for information. CROs implemented a major community relations operation in coordination with "Operation Rio Grande" along the Southwest border. In Illinois, the CRO helped resolve immigration-related conflicts and expanded state and city library citizenship outreach projects. In New York, the CRO conducted conferences and public education seminars with various community groups and local government representatives.

In FY 1997, INS held meetings with community groups from California and Texas to explain the issues of concern to INS underlying day labor site problems, and as a result, a grant was awarded by the Bureau of Justice Assistance to the Los Angeles County Commission on Human Relations to conduct a "day labor project." The Commission's study will identify models of different day labor sites where community organizations and local law

enforcement have effectively addressed issues of public safety surrounding the sites. The resulting document will provide information to cities and communities on ways to organize the sites, which should reduce the demand for INS presence.

The INS also consulted with State and local law enforcement officers in Utah and Florida on the designation of immigration enforcement functions. A draft memorandum of understanding resulted from the consultations in Salt Lake City and is currently being reviewed by the Department of Justice.

The Law Enforcement Support Center (LESC) was expanded during FY 1997. The LESC, which is located in Burlington, Vermont, was started in FY 1995. Since the LESC's inception, it has received and processed 94,800 status inquiries from law enforcement agencies in three states. The LESC currently responds to approximately 7,500 queries a month. The following locations currently have access to the LESC: Arizona; Iowa; Nebraska; Utah; Vermont; Puerto Rico; San Diego County; and Florida.

Mr. Chairman, I realize that the Subcommittee has expressed concerns about several areas of INS operations. I believe that we have made great strides in addressing the problem areas and working to ensure the integrity of our efforts.

Naturalization Improvements

The best example of our efforts to make significant improvement is our work on naturalization. The naturalization program has been our overriding concern for the past year. Addressing weaknesses in the naturalization program is contributing to most of the change

currently underway at INS. In naturalization, we face one of our biggest challenges, ensuring public confidence and trust.

In the time since I appeared before you last year, I have created the Executive Office of Naturalization Operations (EONO) to reengineer the naturalization process. Under EONO, INS has implemented strict quality assurance procedures to improve processing, prevent mistakes, and increase accountability. As you may know, INS has just finished its review of the cases of individuals naturalized from August 1995 through September 1996. The naturalization review was comprised of three separate studies conducted by INS and supervised and validated by KPMG Peat Marwick, an independent auditing and consulting firm.

In the "Criminal History Case Review," which looked at all cases where an applicant had a criminal history record with the Federal Bureau of Investigation, INS found 369 cases that were naturalized despite having been convicted of a felony or a crime of moral turpitude, and another 5,954 cases that failed to support naturalization. Most of the 5,494 cases are those where the applicant did not give accurate information about a criminal arrest, even though the arrest itself may not have disqualified the applicant from being naturalized. All of these cases are currently under review by the INS Office of General Counsel for possible revocation of citizenship. During the first quarter of FY 1998, the Office of the General Counsel has reviewed a total of 2,158 cases, 1,481 of which may be appropriate for revocation.

The "Random Sample Review" found that during the period before the implementation of quality assurance procedures, there was a high error rate in processing naturalization applications due to a lack of uniform processing standards and weak

enforcement of the standards that did exist. We have taken the necessary steps to address these problems. KPMG reported in December that INS had made "significant improvements in the internal controls of the naturalization process and greatly reduced the risk of incorrectly naturalizing an applicant."

During its first ten months at INS, the newly-created Executive Office of Naturalization Operations has achieved several significant accomplishments. The primary focus has been on creating an organizational structure and acquiring the personnel needed to restructure the naturalization process. As of February 24, 1998, INS had established 23 of 75 planned free standing Application Support Centers (ASCs) and 51 ASCs collocated with existing INS offices. All of these ASCs are currently open and taking fingerprints, in accordance with the FY 1998 Appropriations Act, that required all fingerprints for INS benefits to be taken by INS or other law enforcement agencies. By mid-March, all 75 free standing ASCs will be open. For those who cannot reach the fingerprint sites, a fleet of 45 vans will serve as mobile fingerprint centers or they will be directed to designated law enforcement agencies (DLEAs) operating under sole source contract agreements with the INS. All DLEAs will use INS fingerprint equipment and receive

INS customer service training.

We have also made significant progress with the Direct Mail program. Through the program, certain applications and petitions for benefits are mailed directly to an INS service center for initial processing, rather than to local INS district offices or suboffices. By using Direct Mail, INS standardizes processing, reduces processing times, and improves the quality of status information on cases provided to the public. Currently, more than half of the INS

offices have transitioned to Direct Mail for all new naturalization applications. By April 15, 1998, all district office and sub-offices will be part of Direct Mail.

We are also working closely with the consulting firm of Coopers & Lybrand L.L.P., which was contracted to assist us in reengineering the naturalization program. Coopers & Lybrand recently provided us with their proposed "blueprint" for the new naturalization process, which addresses issues such as changing testing procedures, establishing a telephone information and service center dedicated solely to naturalization issues, as well as other structural and procedural changes. We are moving forward to implement the plan. We are also developing backlog reduction plans for all of the naturalization offices. The steps being taken will dramatically improve the naturalization system, and help restore public confidence in the citizenship process.

INSpect

Another example of our commitment to addressing problem areas and ensuring integrity is the INS Program for Excellence and Comprehensive Tracking (INSpect). The program is a top to bottom review process that focuses on assessing office effectiveness; determining compliance with applicable laws, regulations, and procedures; measuring performance against established standards; and providing a means to share local successes and solutions applicable to service-wide problems. The program now consists of a corps of almost 800 subject matter experts who serve on INSpect teams on a rotating basis. During 1997, INSpect reviewed 8 INS offices, which account for 23 percent of INS' field employees, issued 3 draft INSpect reports and one final report. The reports presented a total of 227 recommendations for corrections and improvements and 13 best practices or local successes

with INS-wide applicability.

INSpect also did a great deal of work with naturalization operations. The teams reviewed operations at all nine Service Processing Centers and worked with field offices in preparation for the KPMG audit, assessing agency-wide compliance with the Naturalization Quality Procedures. Other subjects INSpect teams have addressed include detention and deportation management and issues concerning temporary holding areas and transportation in Western Region.

Restructuring

The various proposals to restructure or dismantle the INS have also received considerable attention. As you may know, the President has committed to review these proposals. The development of a restructuring plan is being coordinated by the White House domestic policy council staff. The Congress has set a deadline of April 1 for the Administration to provide a proposal on how to best structure the agency.

I firmly believe that while INS' mission is complex, it is strongly interconnected. The Administration supports the view that enforcement and benefits are interrelated and that one should not be addressed without the other in mind. We have already taken steps to streamline the administrative infrastructure, deliver better services and improve enforcement capabilities. With this in mind, the Department of Justice has contracted with Booz-Allen & Hamilton, an independent consulting firm, to provide advice to INS on how to achieve an implementation strategy that is focused on functional, programmatic operations and greater separation between enforcement and service functions. Booz-Allen has reviewed

restructuring options, consulted with other Government agencies that have enforcement and service functions, and will provide information to the Administration on the development of a restructuring strategy in time to meet the April 1 deadline, in response to a congressional request. I am confident that we will develop a viable organizational structure that will enable us to succeed in our service and enforcement missions.

As we examine issues of structure and reorganization, we will also have to look at other issues such as our pay compensation system and our management career development. There are currently a number of contradictions that exist in overtime and retirement compensation in various occupations.

FY 1999 Budget

Now I will turn to the FY 1999 budget and initiatives included in our request. For FY 1999, we are seeking a total budget of \$4.2 billion and 31,499 positions for INS to further strengthen the Administration's comprehensive immigration strategy. The FY 1999 budget represents a \$390 million increase in funding over the anticipated FY 1998 spending level, and adds a total of over 2,600 positions.

The INS budget for FY 1999 continues to support the immigration goals and strategies that the Administration and the Service have pursued so effectively over the past several years. In addition, it incorporates information on performance measurements that will lead to better accountability regarding actual results achieved. The thrust of INS' FY 1999 budget is to further extend the ongoing initiatives aimed at controlling our international borders -- encouraging and accommodating lawful commerce while simultaneously

discouraging and preventing the unlawful entry of illegal border-crossers and dangerous drugs. The INS intends to build on its successful multi-year strategy to effectively regulate the border, both at and between the ports-of-entry, deter and correct illegal employment in the interior of the United States, combat and punish the smuggling of people and narcotics, as well as other immigration-related crime, and remove quickly ever greater numbers of alien criminals and other deportable persons. Concentration on the border areas and on the buildup of the agent workforce will not be allowed to overshadow the need to link border control with the requirement to enforce the immigration laws at interior locations. To that end, specific funding is requested for interior enforcement initiatives.

In addition to the expansion of INS' more visible enforcement functions, additional funding requested will strengthen the removal process, enhance interior investigative and enforcement functions, improve benefits processing for legal immigrants and prospective new citizens, and ensure that our employees and customers are provided adequate facilities supported by the most comprehensive and modern technology available. It is also necessary to ensure that the physical workplace of INS employees, both agent and support staff, keeps pace with the impressive growth of the agency's workforce. Also included in this budget are requests for the personnel and other resources necessary to efficiently and fairly enforce our immigration laws, as well as implementing the broad legislative mandates that Congress enacted in 1996. The intent of the INS FY 1999 budget is to provide the INS with the personnel and tools essential to perform its vital purpose in the safest and most effective manner possible.

REFINE BORDER MANAGEMENT STRATEGY

The FY 1999 budget includes \$225.0 million and 1,726 new positions that will sustain facilitation of entry and control at ports-of-entry, and continue the INS' National Border Control Strategy of "Prevention Through Deterrence." These funds will maintain the aggressive hiring and training efforts begun in FY 1996 and continued in FY 1997 and FY 1998, once again bringing on-board a significant increase in the growing force of Border Patrol agents and other immigration officers.

The request for new Border Patrol agents and Inspectors is complemented by requested increases in force-multiplying technological capabilities, which will enable INS to consolidate and expand upon the achievements of the past several years. The goal of the FY 1999 budget is to continue the expansion of our efforts to control the nation's borders and facilitate lawful commerce while deterring and denying the illegal movement of people and drugs.

A total of 1,140 positions and \$103.0 million is requested for the Border Patrol. These resources will provide an additional 1,000 Border Patrol Agents to join those already patrolling the Southwest border in California, Arizona, New Mexico and Texas. The deployment of these new agents will confirm the Government's enduring commitment to the National Border Control Strategy. At this point, the Border Patrol has proven that it can control these border areas, and has achieved dramatic results in areas like San Diego County in California and the urban El Paso area in Texas. Recent expansion of efforts into the Texas and New Mexico border will continue. At the same time, INS will not neglect nor abandon its successful regulation and enforcement operations in those border sectors now under control.

While the majority of the new agents will be deployed to the Southwest border, the Border Patrol intends to deploy additional Border Patrol Agents along the Northern border and maritime areas of south Florida.

The Service's Border Patrol Agents are assisted in the successful accomplishment of their very difficult and demanding mission by state-of-the-art technology. The FY 1999 budget provides for one position and \$12 million in continued funding for development and deployment of an integrated electronic surveillance system (ISIS) that will, in effect, eventually help to create an "electronic wall" along the border. The ISIS system extends the efficiency and effectiveness of the line-watch Border Patrol Agents, especially in the more remote and desolate regions, helping to deny these areas to illegal aliens and drug smugglers. FY 1999 plans also call for \$2.6 million for the installation of more Forward-Looking Infrared (FLIR) systems on Border Patrol aircraft, which will increase their night capabilities and the purchase of individual infrared pocket scopes and night vision goggles.

The INS requests 100 Immigration Inspectors and \$7.7 million for air ports-of-entry to improve facilitation by continuing the processing of passengers through primary inspection within the 45-minute standard. An additional 120 Inspectors, 10 Inspections support personnel and \$10.1 million are also requested for land and air ports-of-entry to support the expedited removal process. Section 302 of IIRIRA grants Inspectors the responsibility to remove fraudulent applicants for admission back to their countries of origin. Of the 130 positions mentioned above, a total of 100 positions will be deployed at major land border ports and 30 positions will be deployed to airports.

In addition, the Service requests 217 positions and \$19.5 million to expand the

departure management initiative at three major air ports-of-entry. Key improvements will allow INS to deploy additional automated I-94 equipment to allow INS to comply with Section 110 of the IIRIRA for automated entry and exit control. A total of 210 Inspectors is requested to staff airports to monitor the arrival/departure system. Additional improvements to the Non-Immigrant Information System are also requested as part of this initiative.

Further funding of \$8.7 million is requested for automation and reinvention of the inspections process at land, air, and sea ports of entry. At the airports and seaports, INS plans to install new IBIS equipment at 5 terminals, deploy 100 Portable Automated Lookout Systems (PALS) notebooks to remote locations to allow for queries on INS' lookout database, install Secondary 2000 equipment at 5 airports, and expand the INSPASS project to two additional sites in FY 1999. A total of 6 positions are requested to support the deployment of these new automation initiatives. The INS has also requested resources to reimburse the U.S. Customs Service for communication costs related to the use of IBIS.

In conjunction with Section 302 of IIRIRA, INS is required to expeditiously process asylum claims of expedited removal aliens. In order to meet the workload demands experienced at the land border and airports, INS requests a total of 60 Asylum Officers, 20 support personnel and \$8 million for asylum offices nationwide. Without additional staff, the Asylum program will be unable to meet the projected growing needs for asylum case processing in FY 1999. The INS also requests 12 positions and \$1.9 million to provide the mandatory detention of inadmissible aliens in the expedited removal process.

In order to support the increased deployment of officers to the airports and seaports in FY 1999, INS requests 34 positions and \$2.3 million for legal and management support. A

total of 16 attorneys and 8 legal support will handle the anticipated litigation needs resulting from the implementation of the expedited removal process. In addition, 10 management support positions will recruit, hire, deploy, and service the officers and other positions requested. The INS requests \$0.6 million in resources to provide fraudulent document and mala fide passenger analysis training to international airline carrier personnel and other overseas officials in FY 1999. Three teams of 10 officers will be detailed for 60-day operations for Operation Disrupt at select high volume illegal migration sites globally.

In FY 1999, the INS is requesting \$48.6 million to support new Border Patrol construction requirements. This request will provide \$36.1 million for the construction of eight Border Patrol facilities. An additional \$5.1 million is being requested in FY 1999 for the planning, site development, and design work required to support the future construction of eight new facilities and four checkpoint systems. The INS is also requesting \$7.0 million for eight military (JTF-6) and two other fencing and road projects. To help manage the additional construction requirements caused by the INS' massive growth in the last few years, \$400,000 is being requested for six facility program specialists.

IMPLEMENT INTEGRATED INTERIOR ENFORCEMENT STRATEGY

The FY 1999 Budget includes \$115.0 million to support 745 new positions to address the presence and consequences of illegal migration in the interior of the United States. The evolving Interior Enforcement Strategy for FY 1999 complements INS' Border Control Strategy by creating an interior "net" to apprehend those who have eluded INS' front line of deterrence by using sophisticated alien smuggling organizations. This strategy supports greater compliance with the resource intensive provisions of IIRIA by 1) responding to

changing migration patterns of illegal aliens and 2) effecting criminal alien removals. INS' detention construction projects further strengthen this strategy by expanding detention space needed to detain the increased number of criminal and non-criminal aliens subject to removal.

The request includes 124 positions (53 of which are Special Agents) and \$13.2 million to increase anti-smuggling investigations and initiate the National Intelligence Assessment. These resources will concentrate on secondary urban staging areas in identified corridors. Interior anti-smuggling enforcement teams using expanded new investigative authorities (e.g., asset forfeiture, Title III intercepts, and establishment of proprietaries and RICO prosecutions) will continue these efforts at identified final destinations aiding in the identification and prosecution of conspirators. To systematically collect, assess, and disseminate intelligence in support of the comprehensive anti-smuggling program, dedicated intelligence positions will begin efforts to produce the national Intelligence Assessment.

To investigate fraudulent immigration benefit applications, INS requests 70 positions (including 32 Special Agents) and \$7.9 million to establish multi-disciplinary fraud teams located in the Service Centers and Asylum Offices. INS is experiencing increasing numbers of fraudulent applications as a result of IIRIRA. For example, certain districts are experiencing extensive cases of marriage fraud, conspiracy, and citizenship testing fraud. Furthermore, INS continues to identify and investigate large-scale fraud schemes, some involving hundreds, and even thousands of suspect "beneficiaries." Special agents deployed on site at asylum offices and Service Centers will be well positioned to defeat and investigate fraud.

Forty-three positions and \$6.5 million are requested to increase INS' ground

transportation, provide escorts for deportable aliens in transit to and from JPATS hubsites.

An additional \$10.5 million is requested to support increased INS movement of over 46,000 illegal aliens by IPATS, thereby reducing the need to remove aliens by commercial aircraft.

A total of 30 positions (including 4 Special Agents) and \$3.2 million are requested to expand Community-Based Enforcement Teams to implement Section 133 of IIRIRA, which allows the Attorney General to deputize State and local law enforcement to perform certain functions of immigration officers. Three Community-Based teams consisting of a Special Agent and State and local law enforcement officers would be deployed to States with the highest illegal resident populations which request assistance from INS. This will allow INS to work closely with local law enforcement officials to address mutual problems associated with illegal immigration.

Sixteen positions (including 15 Special Agents) and \$3.1 million are requested to augment participation in the Joint Terrorism Task Forces (JTTF). The Alien Terrorist Removal Court, created in 1996, will increase the workload associated with the JTTF by requiring, among other things, the preparation of background reports on the proposed candidates and arrest of the alien terrorists. This initiative requires full-time dedicated Agents to correctly handle these classified removal cases having national security implications.

A total of 294 positions and \$31.0 million are requested for the Institutional Removal Program (IRP) to identify criminal aliens pursuant to IIRIRA provisions. These resources will support critically needed detention and deportation and investigations staff; detention space; alien transportation and welfare costs; and vehicles. The growth of the incarcerated criminal alien population is outpacing INS resources dedicated to removing aliens from institutional settings. INS' strategy includes expanding previously enhanced IHP States; increasing staffing at Bureau of Prison release sites; increasing staff at the existing 12 county jails with the highest foreign-born populations; directing resources at choke points to avoid

backlogs at State prisons, and decreasing instances where intake sites cannot hold criminal aliens long enough for INS to get there with current resources. This request will also fund additional space at the Federal Correctional Complex at Allenwood and provide 9 additional Video conferencing sites.

Forty-six positions and \$4.5 million are requested to locate, detain, and remove those aliens with final orders who are not in INS custody. Section 305(a) of IIRIRA requires the detention of every alien who becomes the subject of a final removal order. INS must be prepared to locate and assume custody of aliens who receive final orders of removal. INS will use a number of approaches such as the use of absconder recovery and removal teams to ensure expeditious detention and removal of aliens with final orders.

The Service is also requesting \$22.5 million and 122 positions in FY 1999 to support its growing need for detention space. The request for FY 1999 includes: \$9.4 million for 90 additional positions, vehicles, and start-up costs to support the activation of 500 additional beds at the Port Isabel SPC; \$9.4 million and 32 positions to support an additional 126 juvenile beds, which will provide the INS with an average of 500 juvenile beds in FY 1999; and \$3.7 million for the reimbursement to the Public Health Service (PHS) for 24-hour health care coverage at detention facilities given the growing number of INS detainees.

In addition, for various detention construction projects, the Service is requesting \$12.6 million to replace old, antiquated dorms and buildings that have not been adequately upgraded, add detention space to detain criminal and non-criminal aliens subject to removal, and approach congressionally mandated requirements to increase the number of illegal aliens detained under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996

Act (IIRIRA). It is projected that the Service's average daily population will increase from 8,592 in FY 1996 to 23,863 in FY 2001. Included in this request is \$10.7 million for the construction of four detention projects to be completed in FY 2000. An additional \$1.9 million is being requested for the planning, site development, and design work required to support four new detention projects scheduled for future construction.

IMPROVE INSTITUTIONAL INFRASTRUCTURE

The FY 1999 INS budget includes \$48.7 million and 54 positions to support the INS' infrastructure requirements. The INS' rapid growth in personnel over the past six years continues to have a direct impact upon the agency's ability to meet its infrastructure demands. In FY 1999, INS will continue to address its infrastructure weaknesses by increasing the replacement cycle of the agency's vehicle fleet, implementing a maintenance and repair system for its property inventory, and by improving and modifying INS' existing facilities.

The Service is requesting \$10.0 million and 4 positions to provide a more rapid vehicle replacement cycle, which will result in a better quality fleet, safer vehicles, lower operation and maintenance costs, less fleet down time, and an increase in future fleet disposal sales proceeds. At the end of FY 1997, over 30 percent of INS' fleet, more than 3000 vehicles, exceeded the Federal Property Management Regulation (FPMR) replacement standards. The FY 1999 request will provide a 17 percent annual replacement cycle for sedans and light trucks, a 14 percent replacement cycle for school-type vehicles, and an 11 percent replacement for interurban buses. The four automotive fleet analysts positions requested will oversee a consolidated INS Fleet Management Program.

In FY 1999, the INS is requesting \$10.2 million and 43 positions to address the mounting maintenance and repair costs of INS-owned buildings, roads, grounds, janitorial services, utility systems maintained by INS, border roads and fences, stadium lights, and communication towers. The resources being requested will provide funding to reduce the backlog of INS maintenance and repair projects which, between FY 1999 and FY 2003, are projected to cost between \$140,000,000 and \$191,000,000. These backlogged projects, which include several Service Processing Centers, Border Patrol checkpoints, and Border Patrol stations, represent the most serious safety and health problems within INS. The new positions that we are requesting and which will be dedicated to the field, are critically needed to manage the number of repair and alteration projects and provide maintenance of INS owned facilities.

The INS is requesting \$26.4 million and 5 positions to provide resources for new office space, above standard alterations, furniture, ADP cabling, telecommunications, and security requirements. A combination of factors, including: (1) historic space shortages; (2) current requirements for lease renewals, forced moves, consolidations and other unplanned actions; and (3) the new growth which the agency has been experiencing in recent years, have created an enormous backlog of "One-Time" construction requirements, which current practices of using dedicated funding and lapse resources cannot adequately support.

The FY 1999 budget includes \$2.1 million for systems development, data management, and the implementation of its Computer Linked Application Information Management System (CLAIMS 4.0). The INS will use ADP and other emerging technologies to support efficient, effective and integrated operations and management.

This request includes continued development and implementation of the CLAIMS 4.0 system with additional CLAIMS form types. CLAIMS 4.0 will be less costly to maintain and more flexible to support various reporting requirements. The new system will support 2D bar code scanning, use of debit and credit cards for application fees, deployment of electronic filing, electronic submission to external agencies, scanning of biometric information with access to the electronic A-file, and the use of secure and state-of-the-art fraud resistant documents that include biometric data. A primary feature of the CLAIMS 4.0 system is its "process control" mechanism that will not allow the operators to skip steps or operations unless all data fields are complete.

IMPROVING PROFESSIONALISM

The FY 1999 budget includes \$16.2 million and 81 positions to enable INS to continue its efforts to improve professional standards, build upon and enhance its current management systems, and provide the mission critical support needed to effectively carry out its enforcement and service roles. This initiative focuses on the overall professionalism of INS and its workforce, including resources for the Legal Proceedings program, the Office of Internal Audit, implementation of the Financial Management Information System, reduction of INS' Freedom of Information Act (FOIA) backlog, and resources to support records centralization projects. The following areas targeted for new resources address long-standing issues of improving accountability, accuracy, and appropriate staffing levels, as well as supporting the recent growth in legal casework primarily caused by the enactment of IIRIRA:

Forty-five attorneys, 20 legal support personnel and \$4.5 million are requested to address the critical staffing shortfalls in the Legal Proceedings program. The additional

personnel will enable INS attorneys to provide legal advice and assistance to the INS' operations components, and to handle the program's work in such areas as employer sanctions, civil document fraud, Federal court litigation, asylum prescreening, labor cases, visa petitions, naturalization, conveyance seizures, and the training of INS officers.

An additional 16 positions and \$2.0 million are requested for the Office of Internal Audit (OIA). These additional resources will enhance the Service's capability to conduct internal investigations and comprehensive INSpect reviews of the field offices. The OIA workload has significantly increased over the past few years due to the agency's extensive personnel growth, new investigative responsibilities requiring OIA to review the files and disciplinary actions taken against potential witnesses in Federal trials, and an increase in case complexity and time-requirements.

A \$5.0 million request for the Office of Finance will allow INS to continue implementing its Financial Management Information System. This implementation of an integrated financial management system will give INS the ability to produce auditable financial statements that more accurately reflect the status and use of funds.

Nineteen term positions and \$4.7 million are requested to automate the tracking and processing of its Freedom of Information Act/Privacy Act (FOIA/PA) requests and to meet the current FOIA backlogs and anticipated workload. The development of the FOIA/PA Information Processing System (FIPS) program will enable INS to transform its existing paper-intensive, manual processes into a computer-based information processing system, placing INS in compliance with 1996 electronic FOIA legislation.

IMPROVE & CENTRALIZE INS RECORDS

Five positions and \$8.5 million are requested to support continued efforts to centralize and clean up INS records. The records centralization effort will allow INS to improve the way it accesses, stores, and delivers alien information. This compliments INS' verification strategy by improving the accuracy of data, enhancing response time, and increasing the accessibility of critical information used to stop those individuals who are not authorized from working in the United States, and to ensure that only those authorized receive entitlements. Records cleanup will increase data integrity, which will in turn lead to more rapid and accurate verification, and renewed confidence in INS records by all of its customers, both internal and external.

Specifically, INS will utilize the funds to improve infrastructure for the Service's Records Program, which will be used in support of all areas within INS, on both the enforcement and services sides. Additionally, INS will expand the contracting of services to support records operations, allow the Service to institutionalize multilevel quality controls to ensure effective compliance with re-engineered records operating procedures during the transition to centralization, and promote the completeness, accuracy, and predictability of transition operations through increased standardization. The Service is currently using records contract support in Los Angeles, Chicago, Miami, New York, San Francisco, Houston, and Newark. A portion of these contractor resources will be redirected to support operations in the centralized records environment.

Conclusion

These new FY 1999 resources will give INS the personnel and tools needed to carry out the effective immigration strategy begun four years ago. I look forward to continuing to work with the Subcommittee. With your support of this budget request, we can carry forward the improvements made during the last few years. We have made great strides in addressing problems areas and working to ensure the agency's integrity. I want to work with you to alleviate your concerns and build your trust as we continue our efforts to make this nation's immigration system the best that it can be.

This concludes my formal statement on the 1999 budget request for INS. I would be happy to answer any questions which you, Mr. Chairman, and Members of the Subcommittee may have.